

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

DAVID A. MCDOUGALL,

Plaintiff,

Civil No. 20-1499 (JRT/LIB)

v.

SPECIAL VERDICT

CRC INDUSTRIES, INC.,

Defendant.

We, the Jury in this case, make these answers to the following questions:

Count 1: Strict Products Liability – Defective Design

(Instruction Nos. 14, 16, 17)

QUESTION 1A: Was CRC Industries, Inc.’s product in a defective condition, unreasonably dangerous to users of or those exposed to the product, because of CRC Industries, Inc.’s design?

_____ Yes

_____ No

QUESTION 1B: If your answer to Question 1A was “Yes,” then answer this question: Was that design a direct cause of David A. McDougall’s damages?

_____ Yes

_____ No

**EXHIBIT
K**

Count 2: Strict Products Liability – Failure to Warn

(Instruction Nos. 15, 16, 17)

QUESTION 2A: Was the product in a defective condition, unreasonably dangerous to users of or those exposed to the product, because CRC Industries, Inc. failed to provide adequate warnings for the safe use or reasonably foreseeable misuse of the product?

_____ Yes

_____ No

QUESTION 2B: If your answer to Question 2A was “Yes,” then answer this question: Were the inadequate warnings for safe use or reasonably foreseeable misuse a direct cause of David A. McDougall’s damages?

_____ Yes

_____ No

~~[If you answered “No” to either/both Questions 1A or 1B, and either/both Questions 2A or 2B, you have reached the end of your deliberations and do not need to answer the following questions. Your foreperson should sign and date the form in the space provided at the end of the form.]~~

Fault

(Instruction No. 18)

QUESTION 3A: Did Kyle Neumiller misuse CRC Duster on July 22, 2019, while driving a motor vehicle?

_____ Yes

_____ No

QUESTION 3B: ~~If your answer to Question 3A was "Yes," then answer this question:~~ Did

Kyle Neumiller know that huffing CRC Duster while driving on July 22, 2019 was substantially certain to result in the consequences/the death of another person?

_____ Yes _____ No

QUESTION 3C: Was Kyle Neumiller at fault for Cynthia McDougall's death?

_____ Yes _____ No

QUESTION 3D: If your answer to Question 3C was "Yes," then answer this question: Was

Kyle Neumiller's fault a direct cause of Cynthia McDougall's death?

_____ Yes _____ No

QUESTION 4: Taking all of the fault that directly caused Cynthia McDougall's death as

100%, what percentage of fault do you attribute to:

CRC _____

Kyle Neumiller _____

TOTAL: 100%

~~If you answered "No" to either/both Questions 1A or 1B, and either/both Questions 2A or 2B, then your answer in Question 4 should be "0%" as to CRC. If you answered "No" to all of Question 3, then your answer in Question 4 should be "0%" as to Kyle Neumiller.~~

Damages

(Instruction Nos. 23, 24, 25, 26, 27)

QUESTION 5: What amount of money will fairly and adequately compensate David A. McDougall for the [total] compensatory loss suffered by him resulting from Cynthia McDougall's death?

\$ _____

YOU HAVE COMPLETED YOUR DELIBERATIONS. PLEASE HAVE THE FOREPERSON SIGN AND DATE THIS FORM BELOW.

FOREPERSON'S SIGNATURE

DATE